

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION**

IN RE:

JAMES VECCHIONE

**10-05863
CHAPTER 13**

**MOTION FOR RELIEF FROM THE AUTOMATIC
STAY OF SECTION 362 TO PROCEED WITH EVICTION**

COMES NOW American Home Mortgage Servicing, Inc. Servicer for US Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3 ("American Home Mortgage Servicing, Inc.") and respectfully shows the Court the following:

1. On July 23, 2010 at 1:30 p.m., the Debtor, James Vecchione filed a petition with the Bankruptcy Court for the Eastern District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. On the morning the petition was filed, the Debtor was locked out of the real property with an address of 2 Winterfield Place, Durham, NC 27705 ("Property").
3. The subject property was foreclosed upon by American Home Mortgage Servicing, Inc. with a foreclosure sale being held on November 3, 2008.
4. US Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3 was the high bidder at the sale with a bid of \$658,524.85.
5. The upset bid period expired on November 13, 2008 prior to the filing of the instant case.
6. Upon information and belief, the lockout for the eviction occurred prior to the bankruptcy filing. Therefore, American Home Mortgage Servicing, Inc. is entitled to possession of the property.
7. Upon information and belief, the debtor's personal property as still in the real property.
8. The rights of the parties became fixed prior to the bankruptcy filing. American Home Mortgage Servicing, Inc. is entitled to possession of the real property.
9. American Home Mortgage Servicing, Inc. seeks relief from the automatic stay of 11 U.S.C. Sec. 362 to remove the debtor's personal belongings from the real property.

WHEREFORE, American Home Mortgage Servicing, Inc. prays the Court as follows:

1. Modify the Automatic Stay of Section 362(a) of the Bankruptcy Code to permit American Home Mortgage Servicing, Inc. to proceed with the removal of the debtor's personal property from the real property.
2. As an alternative to the relief prayed for above, grant adequate protection to American Home Mortgage Servicing, Inc. for its interest in the subject property.
3. Grant American Home Mortgage Servicing, Inc. such other and further relief as may seem just and proper.

This the 29th day of July, 2010.

s/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for Creditor,
American Home Mortgage Servicing, Inc.
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
704/333-8107

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
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IN RE:

JAMES VECCHIONE

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CHAPTER 13**

NOTICE

TAKE NOTICE that a motion has been filed by American Home Mortgage Servicing, Inc. A copy of the motion accompanies this notice.

TAKE FURTHER NOTICE that any response, including objection, to the relief requested in the attached motion, should be filed with the Clerk of the Bankruptcy Court within **FOURTEEN (14) DAYS** of the date of this Notice and a copy served on the attorney identified below and upon other parties as required by law or Court order. Any response shall clearly identify the specific motion to which the response is directed, and it shall comply fully with any Local Bankruptcy Rules applicable.

TAKE FURTHER NOTICE that no hearing will be held on this motion unless a response is timely filed and served, in which case, the Court will conduct a hearing and provide notice of the time, date and place of hearing.

This the 29th day of July, 2010.

s/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for Creditor,
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
704/333-8107

10-006344

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION**

IN RE:

JAMES VECCHIONE

**10-05863
CHAPTER 13**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing and annexed pleading or paper upon:

James Vecchione
2 Winterfield Pl.
Durham, NC 27705

James Vecchione
2 Winterfield Pl.
Durham, NC 27705

Trawick H. Stubbs, Jr.
Post Office Box 1618
New Bern, NC 28563

by depositing the same in a postage paid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service.

This the 29th day of July, 2010.

s/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
704/333-8107

10-006344



FOR REGISTRATION REGISTER OF DEEDS
Willie L. Covington
DURHAM COUNTY, NC
2008 NOV 17 03:24:32 PM
BK:6094 PG:630-632 FEE:\$17.00
NC REV STAMP:\$1,318.00
INSTRUMENT # 2008044032



TRUSTEE'S DEED

08-102496

Grantee's Address:

U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3
6501 Irvine Center Dr
Irvine, California 92618

Drawn by and Mail to:

Shapiro & Ingle
8520 Cliff Cameron Drive, Suite 300
Charlotte, NC 28269

Tax Code#:173974
STATE OF NORTH CAROLINA

COUNTY OF DURHAM

\$ 1,318.00 REVENUE STAMPS

THIS DEED, made November 14, 2008 by and between Richard P. McNeely, Substitute Trustee per document recorded in Book 5979 Page 118 Durham County Registry, for First American Title Insurance Company, Trustee, in the deed of trust hereinafter mentioned, of Durham County, North Carolina, hereinafter referred to as "first party"; and U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3, hereinafter, whether one or more, referred to as "second party" (the singular masculine pronoun wherever hereinafter used to be construed as masculine, feminine or neuter and as singular or plural as the context may indicate or require),

WITNESSETH, THAT WHEREAS, Under date of December 27, 2004, James Vecchione and Ana E. Amador Rizo executed and delivered unto First American Title Insurance Company, as trustee, a certain deed of trust which is duly recorded in the office of the Register of Deeds for Durham County, N.C., in Book 4659, Page 840 ; to which reference is hereby made; and whereas, default having occurred in payment of the indebtedness secured by said deed of trust and in the performance of the stipulation and conditions therein contained, due demand was made upon the first party by the owner and holder of the indebtedness secured by said deed of trust or part of same that he foreclose the said deed of trust and sell the property under the terms thereof and a special proceeding having been instituted on March 10, 2008 with the Clerk of Superior Court of Durham County, said special proceeding being number 08 SP 489; and whereas, under and by virtue of the power and authority in him vested by the said deed of trust and in accordance with the terms and stipulation of same and after due advertisement as in said deed of trust provided and as by law required, the first party at 11:00 AM on November 3, 2008 did expose the land described in said deed of trust, and hereinafter described and conveyed, to sale at public auction at the Durham County Courthouse door, when and where U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3

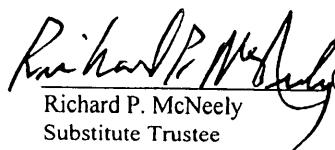
became the last and highest bidder for the said land at the price of \$658,524.85 and whereas the first party duly reported said sale to the Clerk of Superior Court of said county, as by law required, and thereafter said sale remained open ten days and no advance bid was placed thereon within the time allowed by law.

NOW, THEREFORE, In consideration of the premises and of the payment of the said purchase price by U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3, the receipt of which acknowledged, and pursuant to the authority vested in him by the terms of said deed of trust, said first party, substitute trustee as aforesaid, does hereby bargain, sell, grant and convey unto U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3 all that certain lot or parcel of land, lying and being in, Durham County, State of North Carolina, and more particularly described as follows:

Being all of Lot 153, Croasdaile Farm Three, as per plat and survey thereof now on file in the Office of the Register of Deeds of Durham County in Plat Book 145, Page 65, to which plat reference is hereby made for a more particular description of same.

TO HAVE AND TO HOLD the said land, together with all the privileges and appurtenances thereunto belonging, unto said second party, its successors and assigns, forever, in as full and ample manner as the first party, substitute trustee, is authorized and empowered to convey the same.

IN WITNESS WHEREOF, The said first party, substitute trustee as aforesaid, has hereunto set his hand and affixed his seal the day and year first above written.

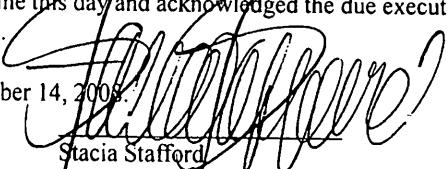

Richard P. McNeely
Substitute Trustee
(SEAL)

STATE OF NORTH CAROLINA

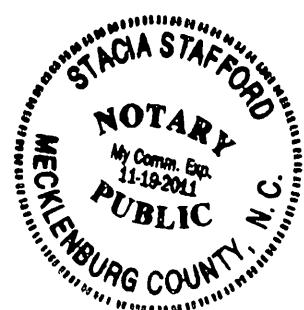
COUNTY OF MECKLENBURG

I, Stacia Stafford, Notary Public in and for the State and County aforesaid, do hereby certify that Richard P. McNeely, Substitute Trustee, personally appeared before me this day and acknowledged the due execution by him of the foregoing and attached instrument as substitute trustee.

WITNESS my hand and official seal this November 14, 2008.


Stacia Stafford
Notary Public

My Commission expires: November 19, 2011





WILLIE L. COVINGTON
REGISTER OF DEEDS, DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of recorded document, and must be submitted with original for re-recording
and/or cancellation.

Filed For Registration: 11/17/2008 03:24:32 PM
Book: RE 6094 Page: 630-632
Document No.: 2008044032
TR-DEED 3 PGS \$17.00
NC REAL ESTATE EXCISE TAX: \$1,318.00
Recorder: JENNIFER H SMITH



2008044032

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
08SP883

IN THE MATTER OF THE FORECLOSURE OF A DEED
OF TRUST EXECUTED BY GEORGE M. BARRETT, SR.
DATED APRIL 14, 2004 AND RECORDED IN BOOK
3611 AT PAGE 401, IN THE BUNCOMBE COUNTY
PUBLIC REGISTRY, NORTH CAROLINA

709 MAR 27 AM 8:52
BUNCOMBE CO., C.S.C.
BY [Signature]

F I L E D

The record owner(s) of the
of property, as reflected
records of the Register of Deeds,
LaSalle Bank National Association, as trustee for
Securitized Asset Investment Loan Trust Mortgage
Pass-Through Certificates Series 2004-8

ORDER FOR WRIT OF POSSESSION

, Attorney on behalf of LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8

To the Sheriff of Buncombe County, North Carolina -- GREETINGS:

WHEREAS, pursuant to N.C. Gen. Stat. § 45-21.29(k), , Attorney on behalf of LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8 made an application for a writ of possession; and

WHEREAS, said statute confers upon the Clerk of Superior Court the power to issue Writs of Possession to place the purchaser in possession of the property sold at foreclosure; and

WHEREAS, all of the requisites of the General Statutes of North Carolina have been complied with.

NOW THEREFORE, pursuant to N.C. Gen. Stat. § 45-21.29(l) you are commanded to remove the occupants and their personal property from those premises located at 124 Scenic View Dr, Swannanoa, NC 28778, and put LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8 in possession of the said premises.

HEREIN FAIL NOT, and make return hereon.

This 21 day of April, 2009.


CLERK OF SUPERIOR COURT



STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

**IN THE MATTER OF THE FORECLOSURE OF A
DEED OF TRUST EXECUTED BY GEORGE M.
BARRETT, SR. DATED APRIL 14, 2004 AND
RECORDED IN BOOK 3611 AT PAGE 401, IN THE
BUNCOMBE COUNTY PUBLIC REGISTRY, NORTH
CAROLINA**

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

08SP883

APR 27 2011 8:52 AM
BY
BUNCOMBE CO., C.S.C.

FILED

**The record owner(s) of the
of property, as reflected**

**records of the Register of Deeds, LaSalle Bank
National Association, as trustee for Securitized
Asset Investment Loan Trust Mortgage Pass-
Through Certificates Series 2004-8**

APPLICATION FOR WRIT OF POSSESSION

, Attorney on behalf of LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8

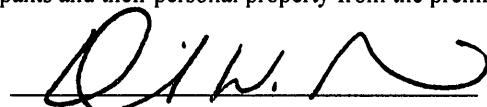
To the Clerk of Superior Court of Buncombe County, North Carolina: The undersigned Applicant being attorney on behalf of LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8 in the above duly captioned matter respectfully makes an application to the Court pursuant to N.C. Gen. Stat. § 45-21.29(k) and shows unto the Clerk:

That the property described in the Deed of Trust set forth above was duly sold on January 6, 2009; that the purchaser is entitled to possession of the property; that the purchase price has been paid; that the sale has been consummated; that following the expiration of the statutory 10-day upset bid period on the January 20, 2009 of said sale, notification of said sale, was given in writing to the occupants in the possession of said property giving them ten (10) days to vacate said property; that to date, said occupants have not vacated the said property.

WHEREAS, all the requisites of the General Statutes of North Carolina have been complied with.

WHEREFORE, this Applicant prays for a Writ to be directed to the Sheriff of Buncombe County, North Carolina, directing him to forthwith remove the occupants and their personal property from the premises.

This date being March 3, 2009.



Attorney on behalf of
LaSalle Bank National Association, as
trustee for Securitized Asset Investment
Loan Trust Mortgage Pass-Through
Certificates Series 2004-8

08-107753

To Schedule lockout dates, please contact Erin Williams at 704-831-2300

OFFICER'S RETURN FOR WRIT OF POSSESSION

Received _____, 2009; Returned _____, 2009.

Digitized by srujanika@gmail.com

Sheriff of Buncombe County

BY: [TOMASZ GŁĘBICKI](#) | [WIKTORIA KOWALEWSKA](#) | [KLAUDIA MŁODCZYŃSKA](#)

卷之三

2009 APR 27 AM 8:53

EINCOME CO., C.S.C

卷之三

GERALD M. SHAPIRO
Admitted in Illinois & Florida only
DAVID S. KREISMAN
Admitted in Illinois only
GRADY I. INGLE
Managing Partner

DAVID W. NEILL
DAVID KERN
JASON K. PURSER
JENNIFER RENSING
WENDY M. FLOYD



VOICE (704) 333-8107
FAX (704) 333-8156
<http://shapiroattorneys.com/nc/>

KIMBERLY A. SHEEK
JEFFREY A. BUNDA
KYLE STEWART
JONATHAN P. WILLIAMS
ALEX BOURCIER

February 17, 2009

Tanya C. Chavis Barrett,
124 Scenic View Dr
Swannanoa, NC 28778

RE: Property Address: 124 Scenic View Dr, Swannanoa, NC 28778
Loan#: 0013143045
Our File#: 08-107753

You are presently holding possession of the residential premises located at the above address, without right or permission of the present owner, LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8. Demand is hereby made that you vacate the premises immediately.

If you fail to vacate the premises within ten days of receipt of this notice, a court action will be initiated against you to evict you and all other persons on the premises.

SHAPIRO & INGLE, L.L.P.

A handwritten signature in black ink, appearing to read "David W. Neill".

David W. Neill
Attorney at Law

THIS OFFICE MAY BE DEEMED TO BE A DEBT COLLECTOR AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

GERALD M. SHAPIRO
Admitted in Illinois & Florida only
DAVID S. KREISMAN
Admitted in Illinois only
GRADY I. INGLE
Managing Partner

DAVID W. NEILL
DAVID KERN
JASON K. PURSER
JENNIFER RENSING
WENDY M. FLOYD



VOICE (704) 333-8107
FAX (704) 333-8156
<http://shapiroattorneys.com/nc/>

KIMBERLY A. SHEEK
JEFFREY A. BUNDA
KYLE STEWART
JONATHAN P. WILLIAMS
ALEX BOURCIER

February 17, 2009

Occupant
124 Scenic View Dr
Swannanoa, NC 28778

RE: Property Address: 124 Scenic View Dr, Swannanoa, NC 28778
Loan#: 0013143045/
Our File#: 08-107753

You are presently holding possession of the residential premises located at the above address, without right or permission of the present owner, LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8. Demand is hereby made that you vacate the premises immediately.

If you fail to vacate the premises within ten days of receipt of this notice, a court action will be initiated against you to evict you and all other persons on the premises.

SHAPIRO & INGLE, L.L.P.

A handwritten signature in black ink, appearing to read "D.W.N.".

David W. Neill
Attorney at Law

THIS OFFICE MAY BE DEEMED TO BE A DEBT COLLECTOR AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

IN THE GENERAL COURT OF JUSTICE
OF NORTH CAROLINA
SUPERIOR COURT DIVISION
BUNCOMBE COUNTY
08SP883

IN THE MATTER OF THE FORECLOSURE OF A DEED
OF TRUST EXECUTED BY GEORGE M. BARRETT, SR.
DATED APRIL 14, 2004 AND RECORDED IN BOOK
3611 AT PAGE 401 IN THE BUNCOMBE COUNTY
PUBLIC REGISTRY, NORTH CAROLINA

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **Ten Day Notice of Eviction** letter upon:

Tanya C. Chavis Barrett,
124 Scenic View Dr
Swannanoa, NC 28778

Occupant
124 Scenic View Dr
Swannanoa, NC 28778

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service.

This date being February 17, 2009.



David W. Neill
Attorney at Law
SHAPIRO & INGLE, L.L.P.
8520 Cliff Cameron Drive, Suite 300
Charlotte, NC 28269
(704) 333-8107

08-107753